

IT IS SO ORDERED.

Dated: 11:09 AM October 25 2010



Marilyn Shea-Stonum
MARILYN SHEA-STONUM DVM
U.S. Bankruptcy Judge

BK1007002

AAH

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT AKRON

IN RE:

Christopher A. Delsavio
Kimberly K. Delsavio

Debtors

Case No. 10-53408

Chapter 13
Judge Shea-Stonum

**ORDER GRANTING MOTION OF
U.S. BANK, N.A. BY AND
THROUGH U.S. BANK HOME
MORTGAGE ITS SERVICER FOR
RELIEF FROM STAY
(ADDRESS OF REAL PROPERTY:
673 EASTLAND AVENUE,
AKRON, OH 44305)**

This matter came before the Court on the Motion for Relief from Stay (the “Motion”) filed by U.S. Bank, N.A. by and through U.S. Bank Home Mortgage its servicer (“Movant”). (Docket 20). Movant has alleged that good cause for granting the Motion exists, and that Debtor(s), counsel for the Debtor(s), the Chapter 13 Trustee, and all other necessary parties were served with the Motion, and with notice of the hearing date on the Motion. No party filed a

response or otherwise appeared in opposition to the Motion, or all responses have been withdrawn. For these reasons, it is appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED that the Motion is granted. The automatic stay imposed by § 362 of the Bankruptcy Code is terminated with respect to the Movant, its successors, and assigns.

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall discontinue all payments to Movant on its claim under the Chapter 13 Plan filed by the Debtor(s). Movant is directed to file a report of sale promptly following liquidation of the property located at 673 Eastland Avenue Akron, OH 44305 (the “Collateral”) if any excess proceeds are received. Should Movant seek to file any unsecured deficiency claim, Movant shall do so no later than 90 days after this Order is entered. If the collateral has not been liquidated, the deficiency claim is to be estimated.

###

SUBMITTED BY:

/s/ Erin A Jochim
Erin A Jochim, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0077062
Romi T. Fox, Attorney
Bar Registration No. 0037174
Attorneys for Movant
PO Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100 ext. 3920
(513) 354-6464 fax
nohbk@lsrlaw.com

Copies to:

Kimberly K. Delsavio - Debtor
3471 State Route 44
Rootstown, OH 44272
ORDINARY U.S. MAIL, POSTAGE PRE-PAID

Christopher A. Delsavio - Debtor
3471 State Route 44
Rootstown, OH 44272
ORDINARY U.S. MAIL, POSTAGE PRE-PAID

Y Eric Holtz, Esq. - Attorney for Debtors
333 S Main St
#601
Akron, OH 44308
Grahamlawoffice2@sbcglobal.net
VIA ELECTRONIC SERVICE

Erin A Jochim, Esq. - Attorney for Movant
PO Box 5480
Cincinnati, OH 45201-5480
nohbk@lsrlaw.com
VIA ELECTRONIC SERVICE

Office of the U.S. Trustee
Howard Metzenbaum, U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114
(Registered address)@usdoj.gov
VIA ELECTRONIC SERVICE

Keith Rucinski - Trustee
One Cascade Plaza
Suite 2020
Akron, OH 44308-1318
efilings@ch13akron.com
VIA ELECTRONIC SERVICE